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06 UNITED STATES DISTRICT COURT  
07 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

08 UNITED STATES OF AMERICA, ) CASE NO. CR04-549-JLR  
09 Plaintiff, )  
10 v. ) SUMMARY REPORT OF U.S.  
11 MICHELLE DIEP TO, ) MAGISTRATE JUDGE AS TO  
12 Defendant. ) ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE  
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14 An initial hearing on probation revocation in this case was scheduled before me on June  
15 16, 2008. The United States was represented by AUSA Susan M. Roe and the defendant by  
16 Richard J. Troberman. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about October 24, 2005 by the Honorable James L.  
18 Robart on a charge of Aiding and Abetting the Structuring of a Currency Transaction, and  
19 sentenced to 5 years probation. (Dkt. 533.)

20 The conditions of probation included the standard conditions plus the requirements that  
21 defendant cooperate in the collection of DNA, be prohibited from possessing a firearm, submit to  
22 search, participate in a mental health program, participate in a home confinement program with

01 electronic monitoring for 180 days, pay restitution in the amount of \$3,000, provide access to  
02 financial information, maintain a single checking account for all financial transactions, provide  
03 information about any business interests, and disclose all assets and liabilities to the probation  
04 office.

05 In an application dated April 28, 2008 (Dkt. 793), U.S. Probation Officer Christopher S.  
06 Luscher alleged the following violations of the conditions of probation:

07 1. Associating with a known felon and fugitive, Cung Nguyen, without permission  
08 of the probation office, on or before March 3, 2008, in violation of standard condition number  
09 nine.

10 2. Failing to notify the probation officer within 72 hours of being arrested or  
11 questioned by law enforcement, on or before March 3, 2008, in violation of standard condition  
12 number 11.

13 3. Failing to submit a truthful and complete written report to the U.S. Probation  
14 Officer within the first five days of each month, for the months of February, March, April, May,  
15 June, July, August, September, October, November, and December 2007, and January, February  
16 and March 2008, in violation of standard condition number two.

17 Defendant was advised in full as to those charges and as to her constitutional rights.

18 Defendant admitted alleged violations 1 and 3 and waived any evidentiary hearing as to  
19 whether they occurred. Defendant denied alleged violation 2 and requested an evidentiary hearing  
20 before Judge Robart. (Dkt. 808.)

21 I therefore recommend the Court find defendant violated her probation as alleged in  
22 violations 1 and 3, and that the Court conduct a hearing limited to the issue of disposition, and an

01 evidentiary hearing on violation 2. The next hearing will be set before Judge Robart.

02 Pending a final determination by the Court, defendant has been released on the conditions  
03 of probation.

04 DATED this 16th day of June, 2008.

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06 Mary Alice Theiler  
07 United States Magistrate Judge

08  
09 cc: District Judge: Honorable James L. Robart  
AUSA: Susan M. Roe  
10 Defendant's attorney: Richard J. Troberman  
Probation officer: Christopher S. Luscher